

**IOWA FINANCE AUTHORITY[265]**

**Adopted and Filed**

**Rule making related to home and community-based services rent subsidy program**

The Iowa Finance Authority hereby amends Chapter 24, “Home and Community-Based Services Rent Subsidy Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 16.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 16.55.

*Purpose and Summary*

The purposes of these amendments are to clarify the rules, remove an unnecessary defined term, and strike a sentence that prohibits subsidy recipients from residing in rental units owned by immediate family members.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 1, 2018, as **ARC 3916C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Authority Board of Directors on September 5, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on October 31, 2018.

The following rule-making actions are adopted:

ITEM 1. Rescind the definition of “Immediate family member” in rule ~~265—24.2(16)~~.

ITEM 2. Amend rule ~~265—24.2(16)~~, definition of “Qualified rental unit,” as follows:

“*Qualified rental unit*” means a housing unit for which a signed written rental agreement exists and which is governed by Iowa Code chapter 562A. ~~A qualified rental unit does not include a home owned by an immediate family member.~~

ITEM 3. Amend rule ~~265—24.3(16)~~ as follows:

**~~265—24.3(16) Eligibility requirements.~~** All of the following criteria shall be met.

**~~24.3(1) Demonstrated need.~~** An applicant must demonstrate need for rent subsidy by meeting all of the following requirements:

- a.* The applicant shall provide a copy of an executed rental agreement showing the applicant as a tenant, with signatures by the landlord and the applicant or the applicant’s legal guardian;
- b.* The applicant shall provide evidence that the applicant pays more than 30 percent of the applicant’s gross income for rent, with a minimum contribution of \$25 per month;
- c.* The applicant shall not receive any other permanent rental assistance;
- d.* The applicant may not use this program to substitute for any other permanent rent subsidy that the applicant had been receiving at the time of or immediately prior to the time of application to this program; and
- e.* The applicant’s rental unit must be a qualified rental unit and may not be owned by someone who lives in the unit.

**~~24.3(2)~~** No change.

ITEM 4. Amend ~~265—Chapter 24~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~16.5(17)~~ and ~~2005 Iowa Acts, House File 825, section 45~~ 16.55.

[Filed 9/6/18, effective 10/31/18]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/26/18.